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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,951	08/04/2003	William F. Frame	OSA-213473	5195

7590

06/14/2004

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EXAMINER

LEV, BRUCE ALLEN

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,951

Applicant(s)

FRAME ET AL.

Examiner

Bruce A. Lev

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

BRUCE A. LEV
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 8 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, the phrase "support movable to extend the length of the support" is vague and indefinite since it is unclear as to how the support can extend the length of itself.

In claim 12, the phrase "support comprises a lower section movable to extend the length of the support" is vague and indefinite since it is unclear as to how the support (or a member thereof) can extend the length of itself.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by ***Guerette 4,044,857***.

Guerette sets forth a foldable stairway ladder comprising a stairway section; a platform (viewed as an upper portion of the ladder along with the top horizontal portion

of the ladder); a support (inclusive of member 16) rotatably connected to the platform (and forming a slope between 48 and 60 degrees); a manually actuatable folding system/mechanism/hinge (inclusive of the hinged pivoting members); a pair of spreaders 12 between the stairway and the support; handrails 18 having a plurality of arms capable of two positions including deployed and collapsed positions; caster wheels 13 and 15; stopping mechanism (inclusive of members 26); and the method of increasing space around the ladder when not in use.

Claims 1-13 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by **Willett 1,439,388**.

Willett sets forth a foldable stairway ladder comprising a stairway section; a platform 29; a support (inclusive of member 17) rotatably connected to the platform (and forming a slope between 48 and 60 degrees); a manually actuatable folding system/mechanism/hinge (inclusive of the hinged pivoting members); a pair of spreaders (inclusive of members 27 and 28) between the stairway and the support; handrails 35 having arms capable of two positions including deployed and collapsed positions; caster wheels 47; stopping mechanism (inclusive of members 54); and the method of increasing space around the ladder when not in use.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Guerette in view of Laug 6,189,653.

Guerette sets forth the ladder, as advanced above, except for the support sections being telescopically extendible. However, ***Laug teaches*** the use of support sections 1 and 2 being telescopically extendible. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support sections of Guerette by forming them as being telescopically extendible, as taught by Laug, in order to adjust the height, length, and angles of the ladder.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Willett in view of Laug 6,189,653.

Willett sets forth the ladder, as advanced above, except for the support sections being telescopically extendible. However, ***Laug teaches*** the use of support sections 1 and 2 being telescopically extendible. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support sections of Willett by forming them as being telescopically extendible, as taught by Laug, in order to adjust the height, length, and angles of the ladder.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Guerette in view of Swiderski 5,791,434.

Guerette sets forth the ladder, as advanced above, except for the use of steel and aluminum materials. However, **Swiderski teaches** the use of steel and aluminum materials within a folding ladder configuration. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ladder of Guerette by incorporating steel and aluminum materials, as taught by Swiderski, in order to reduce the weight and increase the strength of the apparatus.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Willett in view of Swiderski 5,791,434**.

Willett sets forth the ladder, as advanced above, except for the use of steel and aluminum materials. However, **Swiderski teaches** the use of steel and aluminum materials within a folding ladder configuration. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ladder of Willett by incorporating steel and aluminum materials, as taught by Swiderski, in order to reduce the weight and increase the strength of the apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

6/1/2004



Bruce A. Lev
Primary Examiner
Group 3600